

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DAVID SANTANA-AGUIRRE and
JULIAN ARANA-SANTIBANEZ,**

Defendants.

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8:06CR353

ORDER

This matter is before the court on the motion for an extension of time by defendant David Santana-Aguirre (Santana-Aguirre) (Filing No. 25 - Sealed). Santana-Aguirre seeks until December 29, 2006, in which to file pretrial motions in accordance with the progression order (Filing No. 17). Santana-Aguirre's counsel represents that counsel for the government has no objection to the motion. Santana-Aguirre's counsel represents that Santana-Aguirre will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act . Upon consideration, the motion will be granted. Furthermore, the deadline for filing motions will be extended for all defendants.

IT IS ORDERED:

1. Defendant Santana-Aguirre's motion for an extension of time (Filing No. 25 - Sealed) is granted. **All defendants** are given until **on or before December 29, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 16, 2006 and December 29, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 9:15 a.m. on November 28, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 15th day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge